

Governor's Office of Drug Control Policy¹
Proposed Penalties for K2, and Bath Salts (HDPV/Mephedrone), Salvia Divinorum
Actual Penalties for Other Controlled Substances

Substance	Schedule	Possession Penalties First Offense	Delivery/Manufacturing Penalties	Mandatory Minimum §124.413 (1/3) ²
Proposed K2³—<u>HF</u> 186	I	Serious misdemeanor ⁴	Any amount: special class C felony. ⁵	Yes, but may be deferred or suspended. ⁶
Proposed K2—<u>SF</u> 462	I	Serious misdemeanor	Any amount: aggravated misdemeanor. ⁷	No
Proposed MDVP/Mephedrone (bath salts)—<u>HF</u> 186	I	Serious misdemeanor	Any amount: special class C felony ⁸	Yes, but may be deferred or suspended. ⁹
Proposed Salvia divinorum /Salvinorin A—<u>HF</u> 186	I	Serious misdemeanor	Any amount: special class C felony.	Yes, but may be deferred or suspended. ¹⁰
Marijuana ¹¹	I	Serious misdemeanor	1. Over 1000 kg: special class B felony. ¹² 2. Over 100 kg: special class B felony. ¹³ 3. Over 50 kg: special class C felony. ¹⁴ 4. Less than 50 kg: class D felony. ¹⁵ 5. .5 oz or less and not offered for sale: serious misdemeanor. ¹⁶	No ¹⁷
Methamphetamine ¹⁸	II	Serious misdemeanor	1. Over 5 kg: special class B felony. ¹⁹ 2. Over 5 grams: special class B felony. 3. Less than 5 grams: special class C felony.	Yes, but the special class C felony sentence may be deferred or suspended. The B felonies sentences must be imposed. ²⁰
Cocaine ²¹	II	Serious misdemeanor	1. More than 500 grams: special class B felony.	Yes, but may be deferred or suspended. ²²

			2. More than 100 grams: special class B felony. 3. 100 grams or less: special class C felony.	
Cocaine base (crack cocaine) ²³	II	Serious misdemeanor	1. More than 50 grams: special class B felony. ²⁴ 2. More than 10 but less than 50 grams: special class B felony. ²⁵ 3. Ten grams or less: special class C felony. ²⁶	Yes, but may be deferred or suspended. ²⁷
LSD ²⁸	I	Serious misdemeanor	1. More than 10 grams: special class B felony. 2. 10 g or less: special class B felony.	Yes, but may be deferred or suspended. ²⁹
MDMA (Ecstasy) ³⁰	I	Serious misdemeanor	Any amount: special class C felony.	Yes, but may be deferred or suspended. ³¹
GHB (“G” or Liquid ecstasy) ³²	I	Serious misdemeanor	Any amount: special class C felony.	Yes, but may be deferred or suspended. ³³
PCP (phencyclidine or angel dust.) ³⁴	II	Serious misdemeanor	1. More than 100 grams: special class B felony. 2. More than 10 grams: special class B felony. 3. Ten grams or less: special class C felony.	Yes, but may be deferred or suspended. ³⁵
Heroin ³⁶	I	Serious misdemeanor	1. Over 1 kg: special class B felony. ³⁷ 2. Over 100 grams: special class B felony. 3. 100 g. or less: spec. class C felony.	Yes, but may be deferred or suspended. ³⁸
Anabolic steroids ³⁹	III	Serious misdemeanor	Any amount: special class C felony ⁴⁰	Yes, but may be deferred or suspended. ⁴¹
Lorazepam (Ativan) ⁴²	IV	Serious misdemeanor	Aggravated misdemeanor	No
Diazepam (Valium) ⁴³	IV	Serious misdemeanor	Aggravated misdemeanor	No
Zolidem (Ambien) ⁴⁴	IV	Serious misdemeanor	Aggravated misdemeanor	No

¹ Prepared by Mark J. Schouten, Director, Governor's Office of Drug Control Policy, March 22, 2011.

² The mandatory minimum sentences for delivery, manufacture, or distribution drug offenses are described in Iowa Code §124.413 and cover those offenses described in Iowa Code §124.401(a), (b), (c), (e), and (f).

³ K2 is a type of synthetic cannabis and is also called Spice.

⁴ Simple possession of any controlled substance described in Chapter 124 is a serious misdemeanor. Iowa Code §124.401(5).

⁵ This level of delivery or manufacturing is a special class C felony carrying a maximum sentence of ten years in prison and fine of at least one thousand dollars and not more than fifty thousand dollars. Iowa Code §§124.401(1)(c), 902.9(4).

⁶ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If imposed, this mandatory minimum sentence can be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

⁷ Iowa Code §124.401(1)(d).

⁸ This level of delivery or manufacturing is a special class C felony carrying a maximum sentence of ten years in prison and fine of at least one thousand dollars and not more than fifty thousand dollars. Iowa Code §§124.401(1)(c), 902.9(4).

⁹ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If imposed, this mandatory minimum sentence can be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

¹⁰ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

¹¹ Iowa Code §124.204(4)(m). As defined by Iowa Code §124.204(4), marijuana is an hallucinogenic substance.

¹² This level of delivery or manufacture of marijuana is a special class B felony, carrying a maximum penalty of an indeterminate prison sentence of not more than fifty years and a fine of not more than one million dollars. Iowa Code §§124.401(1)(a), 902.9(4).

¹³ This level of delivery or manufacturing of marijuana is a second special class B felony, carrying a term of imprisonment not to exceed twenty-five years with a mandatory fine of not less than \$5000 and not more than \$100,000. Iowa Code §§124.401(1)(b), 902.9(2) .

¹⁴ This level of delivery or manufacturing is a special class C felony carrying a maximum sentence of ten years in prison and fine of at least one thousand dollars and not more than fifty thousand dollars. Iowa Code §§124.401(1)(b), 902.9(4).

¹⁵ Iowa Code §124.401(1)(d).

¹⁶ If the amount delivered or possessed with the intent for delivery is less than .5 oz and not offered for sale, the defendant is guilty of an accommodation offense is sentenced at the same level as simple possession, a serious misdemeanor. Iowa Code §124.410.

¹⁷ Marijuana is specifically exempted from the mandatory minimum provisions of Iowa Code §124.413. Iowa Code §124.4134(2)(b).

¹⁸ Iowa Code §124.205(4)(b). As defined in the Iowa Code, methamphetamine is a stimulant.

¹⁹ This level of delivery or manufacture of methamphetamine is a special class B felony, carrying a maximum penalty of an indeterminate prison sentence of not more than fifty years and a fine of not more than one million dollars. Iowa Code §124.401(1)(a). The sentences for both the B felony varieties may not be suspended or deferred. Iowa Code §907.3(1)(k), (2)(e), (3)(e).

²⁰ This mandatory minimum sentence under Iowa Code §124.413 may not be reduced under Iowa Code §901.10, for either of the class B felony charges, unless the defendant pleads guilty and/or cooperates with the prosecution of other defendants.

²¹ Iowa Code §124.206(2)(d)(1).

²² The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

²³ Iowa Code §124.206(2)(d)(1).

²⁴ Iowa Code §124.401(1)(a)(3).

²⁵ Iowa Code §124.401(1)(b)(3).

²⁶ Iowa Code §124.401(1)(c)(3).

²⁷ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

²⁸ Iowa Code §124.204(4)(l). As defined in the Iowa Code, LSD is an hallucinogenic substance.

²⁹ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

³⁰ Iowa Code §124.204(4)(z). As defined in the Iowa Code, MDMA is an hallucinogenic substance.

³¹ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

³² Iowa Code §124.204(5)(c). GHB carries the chemical name of 4-hydroxybutanoic acid. It is also known as *G, liquid ecstasy, liquid X, or liquid E*. Along with PCP and MDMA, GHB is known as a club drug. GHB has also been identified as a date rape drug.

³³ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

³⁴ Iowa Code §124.206(5)(d). PCP is described as a depressant in the Iowa Code; but has significant hallucinogenic and dissociative property.

³⁵ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

³⁶ Iowa Code §124.204(3)(j). As defined in the Iowa Code, heroin is an opium derivative.

³⁷ This level of delivery or manufacture of heroin is a special class B felony, carrying a maximum penalty of an indeterminate prison sentence of not more than fifty years and a fine of not more than one million dollars. Iowa Code §124.401(1)(a).

³⁸ The sentence may be suspended or deferred pursuant to Iowa Code §907.3. If sentence is imposed, this mandatory minimum sentence may be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

³⁹ Iowa Code §124.208(6).

⁴⁰ Iowa Code §124.401(1)(c)(8).

⁴¹ This mandatory minimum can be reduced pursuant to Iowa Code §901.10 for a first conviction under Iowa Code §124.413, if mitigating circumstances are shown on the record.

⁴² Iowa Code §124.210(3)(aa).

⁴³ Iowa Code §124.210(3)(n).

⁴⁴ Iowa Code §124.210(3)(ax).